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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,388	04/09/2004	Candice Hellen Brown Elliott	08831.0068	1598
42304	7590	08/02/2005	EXAMINER	
CLAIRVOYANTE, INC. 874 GRAVENSTEIN HIGHWAY SOUTH, SUITE 14 SEBASTOPOL, CA 95472			RAHMJOO, MANUCHER	
			ART UNIT	PAPER NUMBER
			2676	

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/821,388

Applicant(s)

BROWN ELLIOTT ET AL.

Examiner

Mike Rahmjoo

Art Unit

2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1- 44 of U.S. PAP 2004/ 0196297. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

As per claim 1 U.S. PAP 2004/ 0196297 teaches inputting image data to be rendered on said display (transmission of pre- subpixel data to the display); converting said image data from said first color space to image data of said second color space and subpixel rendering each individual color plane (ordered pre-subpixel rendered data set which may be converted back to conventionally ordered RGB color space to be displayed on an electronic display). Currently claim 1 is broader than

claims 1- 44 of US PAP 2004/ 0196297.

Claims 2- 14 are substantially similar to claims 1- 44 of U.S. PAP 2004/ 0196297.

See also MPEP § 804.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1- 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 1 line 1 recites "...display substantially comprising...". Use of the word "substantially" makes the claim language indefinite.

As per claim 12, line 2 recites "...one of a group comprising...". Examiner is at loss what is being referred to "a group". Is it the individual filters or is it the combination of the filters which is being referenced as "a group".

Claims 2- 11 and 12- 14 are indefinite because they depend on indefinite antecedent claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1- 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Murdoch et al (US PAP 2004/ 0263528), hereinafter, Murdoch.

As per claim 1 Murdoch teaches inputting image data to be rendered on said display see for example paragraph [0060]; converting said image data from said first color space to image data of said second color space see for example paragraph [0025] for conversion from three color into four color; subpixel rendering each individual color plane see for example paragraphs [0025] and [0060].

As per claim 2 Murdoch teaches one of RGB, SRGB, and YCbCr see for example paragraph [0012] and [0025].

As per claim 3 Murdoch teaches RGBW, RGBW+L, RGBCW+L, RGBMW+L see for example paragraphs [0038] and [0056].

As per claims 4 and 13 and as to the broadest reasonable interpretation by examiner, Murdoch teaches constructing filter kernals from area resampling and finding a reduced set of filters according to reconstruction symmetries see for example paragraphs [0059- 0060] for sampling and resampling.

As per claims 5 and 12 and as to the broadest reasonable interpretation by examiner, Murdoch teaches mapping luminance image data onto said white subpixels comprising one of a group of tent filter, box filter, unity filter, box-cubic filter, tent-cubic filter through mapping of intensity values for all four primary color channels see for example paragraph [0036].

As per claim 6 Murdoch inherently teaches mapping the chrominance data onto said plurality of colored subpixels see for example paragraph [0036].

As per claim 7 Murdoch inherently teaches shifting the phase of at least one color plane to interstitial positions of said colored subpixels see for example paragraphs [0043] for the changes with respect to hue and [0076] for the color adjustment and fig.

2.

As per claims 8 and 10- 11 and as to the broadest reasonable interpretation by examiner, Murdoch teaches sharpening at least one color plane with luminance data, cross color sharpening and self sharpening said chrominance data see for example paragraphs [0043] for changes with respect to hue and [0076] for the color adjustment.

As per claim 9 and as to the broadest reasonable interpretation by examiner, Murdoch teaches sharpening with a difference of gaussian filter see for example paragraph [0002].

As per claim 14 Murdoch teaches applying corrections for offset positions see for example paragraph [0064- 0065].

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US PAP 2004/ 0196297, 2002/ 0015042, 2004/ 0145599, 2005/ 00944871, and 2005/ 0099426.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Rahmjoo whose telephone number is (571) 272-7789. The examiner can normally be reached on 6:30- 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (571) 272- 7778. The fax phone number for the organization where this application or proceeding is assigned is (571) 273- 8300 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

Mike Rahmjoo

July 26, 2005



**MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**